



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

EAG/NS/MCM  
F. #2019R00029

*271 Cadman Plaza East  
Brooklyn, New York 11201*

May 17, 2021

By ECF

The Honorable Ann M. Donnelly  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Robert Sylvester Kelly  
Criminal Docket No. 19-286 (S-3) (AMD)

Dear Judge Donnelly:

The government respectfully submits this letter in response to the Court's provision of the jury questionnaire it intends to use for anonymous jury selection in the above-captioned case. Notably, the Court's jury questionnaire is – in nearly all respects – the same as the joint proposed questionnaire previously submitted by the parties. As a result, the government respectfully requests the following limited changes to (1) fix two typographical errors in the questionnaire; (2) clarify one question; and (3) add one question to account for any COVID-19 protocols in effect at the time of trial. Specifically, the government respectfully proposes the following changes:

- **Question 18**: The word “to” should be replaced with “do.”
- **Question 66**: The question mark after the phrase “including after the Government rests its case?” should be changed to a period.
- **Question 67**: The last sentence should be altered slightly to account for both witnesses testifying pursuant to a grant of immunity and those testifying pursuant to agreements with the government, as follows: “Is there any reason why you could not fairly and impartially consider, or render a guilty verdict based on, the testimony of (1) a witness who was granted immunity from prosecution or (2) a witness testifying pursuant to an agreement with the government?”

- **New Question:** “Is there any reason why you would not be willing to comply with the Court’s instructions concerning social distancing, mask-wearing and other precautions related to the COVID-19 pandemic? [ ] YES [ ] NO If YES, please explain.”

Respectfully submitted,

MARK J. LESKO  
Acting United States Attorney

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cc: Clerk of Court (AMD) (by ECF)  
Defense counsel (by ECF)